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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,398	11/24/2003	W. Karl Olander	ATMI-608-CIP	4115
25559	7590	09/13/2005	EXAMINER	
ATMI, INC. 7 COMMERCE DRIVE DANBURY, CT 06810			SPITZER, ROBERT H	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,398

Applicant(s)

OLANDER ET AL.

Examiner

Robert H. Spitzer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/18/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15,17,18,20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 is indefinite because there is no direct antecedent basis for the recitation of "the power generator", and because the claim recites "a vacuum pump" without any correlation/distinction to "a vacuum desorption unit" previously recited in claim 1. Claim 17 is indefinite because it recites "The gas reclamation process of claim 16", however, claim 16 is a "system" claim. Claim 18 is indefinite because it recites "The gas reclamation process of claim 1", however, claim 1 is a "system" claim. Claims 20 and 21 are indefinite because there is no direct antecedent basis for the recitation of "the adsorbent bed(s)", as claim 2 recites "a physical adsorbent bed".

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2,4,5,16-22,26-28 and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the disclosure of Holst et al. (5,914,091). See in particular, cols. 15-17 and 25-27.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holst et al. (5,914,091) in view of Zarchy et al. (5,512,082). The claim differs from the disclosure of Holst et al. ('091) in the adsorbent beds being arranged as intermanifolded adsorbent beds. Zarchy et al. ('082) show that a plurality of adsorbent beds can be arranged as intermanifolded adsorbent beds. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to arrange the adsorbent beds of Holst et al. ('091) as intermanifolded adsorbent beds in place of a rotary bed of sorbent medium, in view of the showing of Zarchy et al. ('082), as such construction of the sorbent beds will be depend upon the allowable space for placement of such beds and the operation cycle for the process used within such sorbent bed(s).

7. Claims 6-15,23-25,29 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holst et al. (5,914,091) in view of Maese et al. (5,832,713). The claims differ from the disclosure of Holst et al. ('091) in that the destruction of the VOCs is used to generate power. Maese et al. (713) show that the destruction of VOCs can be used to generate power. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the destruction of the VOCs to generate power where needed in the apparatus of Holst et al. ('091), in view of the showing of Maese et al. ('713), so that such destruction of VOCs is not wasted as discarded heat.

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8. The remaining references listed on both the PTO-1449 and the PTO-892 show art of interest.

9. Applicants' response to this Office action should also include the following editorial changes: para. [0005], line 1, "describes" should be "describe"; para. [0010], line 6, "provide" should be "providing"; para. [0044], line 5, "manifold 40" should be either "manifold 42" or "manifold 44"; para. [0061], line 2, "passed to directly to" should be "passed directly to"; para. [0066], line 1, "a." should be "a"; para. [0068], line 4, "steam" should be "stream"; and, para. [0074], line 2, "regarding" should be "regarded".

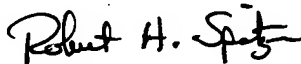
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Spitzer whose telephone number is (571) 272-1167. The examiner can normally be reached on Monday-Thursday from (5:30AM-4:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 29, 2005


Robert H. Spitzer
Primary Examiner
Art Unit 1724

August 29, 2005